

EXHIBIT

30

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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GERALDINE LAUTURE, :
Plaintiff, :
vs. : Civil Action No. CCB-08-943
ST. AGNES HOSPITAL, :
Defendant. :
----- x

Greenbelt, Maryland

Monday, February 23, 2009

Deposition of

JANE WEIGER,

called for examination by counsel for Plaintiff, pursuant to
Notice, at the offices of Amity, Kum & Suleman, P.A., 7474
Greenway Center Drive, Suite 650, Greenbelt, Maryland,
20770, commencing at approximately 9:53 a.m., before Suzanne
Giles, a Notary Public in and for the State of Maryland,
when were present on behalf of the respective parties:

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On behalf of the Plaintiff:

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On behalf of the Defendant:

ROBERT R. NICCOLINI, ESQUIRE
McGuire Woods, LLP
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Also present: GERALDINE LAUTURE, Plaintiff

1 A Yes.

2 Q Did she discuss with you what she said in
3 her own deposition?

4 A No.

5 Q Apart from Ms. Kinch, did you discuss your
6 coming here today with any employee of St. Agnes?

7 A I had to tell my superiors that I would be
8 here.

9 Q Okay. And who was that?

10 A Rob SanLuis and Jo Oliver.

11 Q Rob?

12 A Robert SanLuis.

13 Q Who is this?

14 A My direct manager.

15 Q And who else?

16 A Jo Oliver. She's the administrative
17 director.

18 Q You were born in what country, Ms. Weiger?

19 A United States.

20 Q Can you tell me briefly your educational
21 background?

1 was in 1993. Is that correct?

2 A Correct.

3 Q So you worked as a medical technologist from
4 August of 2000, up to when?

5 A To May of 2005.

6 Q And what did your job change to at that
7 time?

8 A Lead technologist.

9 Q At the time when you were working as your
10 first position as a medical technologist, who was your
11 immediate manager at that time?

12 A Excuse me? I missed the first part.

13 Q At the time from August of 2000 up to May
14 of 2005, when you were working as a medical
15 technologist, who was your manager?

16 A The first one was Donna Sullivan. And when
17 she resigned it was Sally Ondiek.

18 Q And during the time between August of 2000
19 and May of '05, did you have any medical errors that
20 you made?

21 A Not that I'm aware of.

1 A In charge of running the operational part
2 of the microbiology lab, budgets, scheduling,
3 administration.

4 Q So you don't do any testing. Do you?

5 A I do, when needed.

6 Q And how often would that be?

7 A It depends on the staffing levels.

8 Q Now, do you know Ms. Geraldine Lauture?

9 A Yes.

10 Q When did you have the first contact with
11 Ms. Lauture?

12 A When she was hired.

13 Q Do you know when she was hired?

14 A It was when we started the evening shift,
15 sometime late summer, early fall -- and I don't
16 recollect the year -- probably 2004.

17 Q So she was hired for the evening shift?

18 A Yes.

19 Q Do you know who hired her?

20 A Sally Ondiek.

21 Q At that time, do you recall what shift you

1 it to her to deal with.

2 Q Did you at that time -- and I'm talking
3 about the time when Ms. Lauture was still working the
4 evening shift. Did you train her at all?

5 A I don't remember.

6 Q And for the time when Ms. Lauture was
7 working the evening shift, was any other employee
8 working with her at the lab?

9 A Not in the microbiology lab. There were
10 techs in the core lab.

11 Q Okay. So Ms. Lauture was the only employee
12 working in the microbiology lab. Is that correct?

13 A In the evening?

14 Q In the evening shift.

15 A Yes.

16 Q What is your opinion regarding Ms.
17 Lauture's qualifications for the job as a medical
18 tech?

19 A Based on her application and the
20 certifications that are in her file or lack thereof, I
21 don't think I would have interviewed her for the

1 A I don't think she was qualified for the
2 position as it was.

3 Q When did you form that opinion?

4 A When we had brought her to day shift and
5 experienced her work, reviewing her education and
6 requirements that she had presented when she applied
7 for the job.

8 Q Well, when specifically did you arrive at
9 that conclusion that she's not qualified?

10 MR. NICCOLINI: Objection. Asked and
11 answered.

12 BY MR. SULEMAN:

13 Q Well, you may answer, ma'am. When -- I
14 didn't hear any time frame.

15 A I don't --

16 Q Give me the specific month of what year that
17 you made that determination or conclusion that she's
18 not qualified.

19 MR. NICCOLINI: Objection.

20 BY MR SULEMAN:

21 Q Did you understand the question?

1 A I don't know that I had a specific month or
2 time that -- that --

3 Q Okay.

4 A Upon review after she had left, we found
5 holes in her application. I do not remember what
6 month that was.

7 Q So is it your testimony that you made that
8 conclusion when Ms. Lauture was still employed --

9 A No.

10 Q -- from St. Agnes or after she left?

11 A After.

12 Q That narrows it down. So can you then give
13 me those information that you relied upon to make your
14 conclusion that Ms. Lauture is not qualified for the
15 position?

16 A Her application, she never presented a
17 certificate that she graduated from MLT program. She
18 didn't have the documentation in her file that's
19 required by our governing body.

20 Q Anything else?

21 A I'm not sure what you're asking.

1 Q Well, you made a conclusion that Ms. Lauture
2 is not qualified for that job, and I asked you to give
3 me the basis of your opinion.

4 A According to the state of Maryland and --
5 it's a legal -- what is it called? She did not have
6 in her file documentation that supported the acts that
7 came out of the federal laws.

8 Q Okay. What are those documents we are
9 talking about, Ms. Weiger?

10 A What she didn't have?

11 Q Uh-huh.

12 A There's no transcript. There's no evidence
13 that she went to a qualified training school. There's
14 no proof that she has 60 semester hours of classes.
15 Just there's no documentation in her file. That's all
16 I can go on.

17 Q It's very important, Ms. Weiger, and I'm
18 going to ask you again, apart from what you have just
19 stated now, is there any other basis for your opinion
20 that Ms. Lauture is not qualified for her job?

21 A She was making some basic clinical errors

1 MR. SULEMAN: Okay. Let's move on.

2 BY MR. SULEMAN:

3 Q Okay. So your assumption is based on
4 conclusion that you don't have the documentation of
5 Ms. Lauture's qualifications in her file. Is that
6 correct?

7 A Everybody was asked to present their
8 documentation, and hers isn't there.

9 Q Ma'am, the question is your conclusion is
10 based on the ground that you didn't see those
11 documentations in her file.

12 A Correct.

13 Q So you don't know if Ms. Lauture gave those
14 documentation or not.

15 A I know that Ms. Kinch asked her to present
16 them, and she didn't.

17 Q So is it fair then, Ms. Weiger, if I take a
18 look at your file, I don't see any documentation of
19 your qualification. Is it fair for me then to
20 conclude that you're unqualified for the position you
21 are?

1 documentation of your qualification, is it fair for me
2 to conclude that you're not qualified for that job?

3 MR. NICCOLINI: Objection. Answer to the
4 best of your ability.

5 THE WITNESS: No. I guess it's not fair.

6 We had planned, if she was still working, to ask her
7 to present it.

8 BY MR. SULEMAN:

9 Q Maybe fair isn't a good choice of words.
10 Let's try the word reasonable. Is it reasonable then,
11 Ms. Weiger, for me to conclude that you are
12 unqualified for the job because I don't see the
13 documentation of your qualification in your file?

14 MR. NICCOLINI: Objection. I honestly don't
15 understand what the term reasonable in that context
16 means. Objection.

17 MR. SULEMAN: You are presenting Ms. Weiger,
18 not only as a fact witness -- maybe your attorney
19 didn't tell you, but you are here as a quote, unquote
20 "expert witness."

21 MR. NICCOLINI: Objection. Let me put this

1 on the record.

11 MR. SULEMAN: So I guess I take it from
12 counsel then, that Ms. Weiger has not been proffered
13 as an expert witness in this case.

14 MR. NICCOLINI: At this point, she has not
15 been proffered as an expert witness.

16 MR. SULEMAN: Thank you.

17 (Whereupon, the document was
18 marked as Weiger Deposition
19 Exhibit Number 3, for
20 identification.)

21 BY MR. SULEMAN:

1 Q Mr. Weiger, can we please take a look at the
2 document marked as Deposition Exhibit Number 3? Do
3 you recognize that document, Ms. Weiger? (Handing
4 document.)

5 A (Perusing document.) Yes.

6 Q It is the position description for what job?

7 A Medical Laboratory Technician.

8 Q And was that the position occupied by Ms.
9 Lauture?

10 A Yes.

11 Q And if you please go to page 3 of
12 Deposition Exhibit Number 3, under the required
13 education, bullet points number 1 there, what does it
14 say about the education and training requirement?

15 A Which part?

16 Q Page 3, the qualifications. Can you
17 please read what that says?

18 A The first bullet?

19 Q Yes.

20 A The first bullet?

21 Q Uh-huh.

1 Q And do you know who did this evaluation?

2 A It's signed by Sally Ondiek.

3 Q And overall performance rating is what, Ms.
4 Weiger?

5 A Excuse me?

6 Q What was your overall performance rating
7 about the evaluation?

8 A It's a 1.04.

9 Q And what does that mean?

10 A Her performance was acceptable at the
11 six-month period.

12 Q You did know that there was a time when the
13 competency evaluation was done for Ms. Lauture. Are
14 you aware of that?

15 A Was I aware that she had one?

16 Q Uh-huh.

17 A Yes.

18 Q Do you know who did it?

19 A Sally Ondiek.

20 Q Okay. Apart from this -- the one you're
21 talking about, when was it done by Sally Ondiek?

1 A Peg and I.

2 Q Okay. To the best of your knowledge, then,
3 do you know if Ms. Lauture was trained by anybody for
4 the day shift job that she was supposed to do?

5 A For her additional duties, she would have
6 been trained. The duties that she already knew on the
7 evening, she was already trained.

8 Q You said she would have been trained. Was
9 she trained, to the best of your knowledge?

10 A To the best of my knowledge, yes.

11 Q By whom?

12 A That, I cannot attest to without seeing her
13 training checklist.

14 Q So sitting down here today, you cannot tell
15 me whether or not Ms. Lauture was trained for the day
16 shift, when she moved to the day shift.

17 MR. NICCOLINI: Objection.

18 BY MR. SULEMAN:

19 Q Can you?

20 MR. NICCOLINI: Objection. You can answer.

21 BY MR. SULEMAN:

1 Q Do you understand the question, Ms. Weiger?

2 A She should have -- she would have been
3 trained. I can't tell you who without reviewing
4 documentation.

5 Q So you were talking about looking at
6 documentation. What documentation would you have
7 looked at?

8 A Her training checklist.

9 Q So for every time before the -- strike that.
10 Whenever you have an employee being trained,
11 there is always a checklist. Is that correct?

12 A Yes.

13 Q So there would be a checklist somewhere in
14 St. Agnes record --

15 A Yes.

16 Q -- that Ms. Lauture was trained for the day
17 shift job. Is that correct?

18 A There should have been.

19 Q Should have been.

20 A Or there should be.

21 Q Okay. Now to the best of your knowledge,

1 was Ms. Lauture at any time asked to train other
2 employees?

3 A She was not asked to train them. They were
4 trained on the day shift. There were two gentlemen
5 who took her evening position were trained on the day
6 shift, and then they were to work with her in the
7 evening before we moved her to days.

8 Q And who are these employees that you are
9 talking about?

10 A Oyeniyi Oyebode and Ben Roberts.

11 Q Can you please spell the first name?

12 A O-y-e and I do not -- that's the --

13 Q That's the first name?

14 A It's Oyeniyi, and I can't spell that one
15 without looking at it. But he told us to call him
16 Oye, last name is O-b-h-o-d-e.

17 Q And the other employee was --

18 A Ben Roberts.

19 Q -- Ben Roberts. So it is your testimony
20 then that Ms. Lauture never trained these two
21 gentlemen?

1 Q Was that the position that she applied for?

2 Do you know?

3 A I would assume so. I did not hire her.

4 Q Do you know Ms. Rutter? Do you know any of
5 her family members?

6 A Her mother worked in marketing -- in
7 marketing for a while as a secretary.

8 Q Marketing for St. Agnes?

9 A Yes. I did not know her on a personal
10 level. I knew who she was.

11 Q Do you know her name?

12 A I don't remember. Stephanie introduced us
13 once. I don't remember.

14 Q So there was a time when Ms. Rutter
15 introduced you to her mother. Is that correct?

16 A Yes.

17 Q Do you recall when was this?

18 A No.

19 Q Does Ms. Rutter -- does her mom still work
20 for St. Agnes?

21 A No.

1 A Sally Ondiek left in June.

2 Q So you became the lead tech before Ms.

3 Ondiek left St. Agnes?

4 A Yes.

5 Q Did you at any time receive any complaints
6 from Ms. Lauture against Ms. Rutter?

7 A Yes.

8 Q Do you recall when was the first time you
9 received a complaint from Ms. Lauture against Ms.
10 Rutter?

11 A To the best of my knowledge, in December of
12 '05.

13 Q December of '05, that was when Ms. Lauture
14 started the day shift. Is that correct?

15 A Yes.

16 Q Okay. So what was the complaint that you
17 received from Ms. Lauture?

18 A I don't remember the exact complaint. The
19 two of them were having a hard time trying to find a
20 way they could work with each other.

21 Q So you cannot recall a specific complaint

1 that Ms. Lauture had against Ms. Rutter?

2 A Not the specific details. They were having
3 a hard time getting along. I believe Ms. Lauture went
4 to Ms. Kinch with her complaint.

5 Q But do you recall what specifically she was
6 complaining about?

7 MR. NICCOLINI: Objection.

8 THE WITNESS: They weren't getting along.
9 They couldn't find a way to communicate to help each
10 other do their job. Stephanie wasn't doing what Ms.
11 Lauture thought she should do. I mean, I don't
12 remember the specific complaint the first time.

13 BY MR. SULEMAN:

14 Q So was there any time that Ms. Lauture
15 complained about Ms. Rutter?

16 A Repeat that, please.

17 Q You said that you don't recall for the
18 first time. My question was, was there a second time
19 that Ms. Lauture --

20 A There were several times they complained
21 about each other.

1 Q The question, Ms. Weiger -- and I'm going to
2 give you the opportunity to talk about Ms. Lauture.
3 But for now the question is, did you at any time
4 receive any complaint against Ms. Rutter from other
5 employees?

6 A Outside of just that they were having a hard
7 time doing their work with the interaction that was
8 going on. I mean, I don't know how to separate the
9 two of them since it was in regards to the situation
10 between the two of them. Other than that, there were
11 no complaints that I recollect at that time.

12 Q So is it your testimony then that aside from
13 the issues between Ms. Lauture and Ms. Rutter, you did
14 not receive any other complaints from other employees
15 of St. Agnes against Ms. Rutter?

16 A I'd have to review. I mean nothing
17 behavioral during that time period.

18 Q So say for instance you didn't receive any
19 -- there was no complaint against Ms. Rutter for rude
20 behavior toward other employees apart from Ms.
21 Lauture?

1 A Not that I recollect.

2 Q And no complaint to the best of your
3 knowledge about Ms. Rutter not doing that job?

4 A There was a performance issue later on. I
5 don't remember what that was.

6 Q Okay. What was that performance issue
7 about?

8 A I don't remember. Just --

9 Q Around what time was it -- this performance
10 issue you mentioned, around what time was it?

11 A It would have been after -- it would have
12 been 2006. I don't recollect the nature of it without
13 reviewing her file.

14 Q But Ms. Weiger, you knew you were coming
15 today here for the deposition? Is that correct?

16 A Uh-huh.

17 Q And you knew I was going to be asking you
18 some questions. And you testified this morning that
19 you reviewed some documents before you came here.

20 A That I was given by Mr. Niccolini.

21 Q Okay. So when was this last job performance

1 content of that email to you?

2 A (Perusing document.) It appears that Debbye
3 had an issue with Kelly and Stephanie.

4 Q Do you recall receiving that email?

5 A No. It was 2005. I mean obviously I did.

6 Q Okay. So did you do anything about it?

7 A I would have talked to Kelly and Stephanie
8 about not distracting their co-workers and to do their
9 work. Beyond that, I mean I don't know the specific
10 details.

11 Q Well, I understand you answered that you
12 would have. But my question was, did you have any
13 discussions with Ms. Rutter and Kelly regarding this
14 email.

15 A I don't recollect definitely. I mean I
16 would hope I did or Peg, since Peg was copied in on
17 the email also.

18 Q Do you know the other employee that is
19 referenced in this email, Kelly?

20 A Uh-huh.

21 Q Do you know the last name?

1 A Ward, W-a-r-d.

2 Q And what was Ms. Ward's job position at that
3 time?

4 A At that time, she was a medical
5 technologist.

6 Q And the Stephanie being referenced in
7 Deposition Number 8 is Ms. Stephanie Rutter. Is that
8 correct?

9 A Yes.

10 Q Ms. Ward, do you know what was her race?
11 Is she white, or is she black?

12 A She's white.

13 (Whereupon, the document was
14 marked as Weiger Deposition
15 Exhibit Number 9, for
16 identification.)

17 BY MR. SULEMAN:

18 Q Can you please take a look at document which
19 has been marked as Deposition Exhibit Number 9.
20 (Handing document.)

21 A (Perusing document.)

1 A The email was addressed to Ms. Kinch. She
2 just forwarded it to me to let me know what was going
3 on. I do not remember.

4 Q Ms. Rutter was also under your supervision.
5 Was she not?

6 A Yes.

7 Q So do you remember discussing this issue
8 with Ms. Rutter?

9 A Not definitely.

10 Q Do you remember discussing this issue with
11 Ms. Kinch?

12 A Un-uh. Not definitely.

13 Q To the best of your knowledge, do you know
14 if Ms. Kinch spoke to Ms. Rutter about this conflict?

15 A I do not know.

16 MR. SULEMAN: Can we go off the record? Do
17 you want to take a break at this time?

18 (Discussion off the record.)

19 (Whereupon, a luncheon recess was taken.)

20 BY MR. SULEMAN:

21 Q Ms. Weiger, before we broke for lunch, we

1 attention back in January. I thought she had made a
2 correction, but I guess she didn't.

3 Q Okay. So the wording in this document,
4 Deposition Exhibit Number 12, alleging that Ms.
5 Lauture created an unpleasant work environment and
6 dragging others, other co-workers into their Mexican
7 standoff -- the word Mexican stand-off, was that your
8 language or whose language?

9 A No. Ms. Kinch.

10 Q Ms. Kinch language. Did you read this
11 document before you signed it, Ms. Weiger?

12 A Yes.

13 Q And you understood what Mexican stand-off
14 meant?

15 A Yes.

16 O What does it mean?

17 A They both had drawn their lines and weren't
18 willing to -- appeared not to be willing to work with
19 each other anymore.

20 O So basically you agree with that statement?

21 A Well, it probably wasn't the best choice of

1 words, but --

2 Q You signed it none the less.

3 A As a witness to the meeting.

4 Q Well, this is a verbal warning that you are
5 giving to Ms. Lauture?

6 A Correct.

7 Q And according to this Deposition Exhibit
8 Number 12, you alleged against Ms. Lauture that the
9 kind of conduct being violated is not treating co-
10 workers with respect. What do you mean by that?

11 A Her treatment toward Stephanie wasn't -- was
12 not -- could have been more respectful.

13 Q Like what?

14 A I don't know if it was this time or later,
15 but she referred to her as a secretary, and they were
16 just both at each other. I don't remember the details
17 of all of it. They just could not find a way to
18 communicate.

19 Q I just want to know if you have any
20 specific information you want to share with me as to
21 what facts you have for you to reach the conclusion to

1 give Ms. Lauture a verbal warning that she's not
2 treating co-workers with respect?

3 A We had hoped by giving the verbal warning
4 that they would see the seriousness of the situation
5 and help them and that they would try to work on it.

6 Q That is not an answer to my question, Ms.
7 Weiger. Was there any specific conduct that you have
8 that Ms. Lauture committed that was a violation of
9 that kind of contact that you mentioned?

10 A Her interactions weren't -- didn't appear to
11 be respectful. They were picking on each other,
12 tattling on each other like little children at some
13 points. I do not remember the specific words or
14 statements that were made at the time.

15 Q You signed document number 12 on January 5
16 of '06. Is that correct?

17 A Yes.

18 Q And Ms. Lauture transferred from the
19 evening shift to the day shift. If you recall, when
20 was that?

21 A Beginning of December '05.

1 A January 2, 2006.

2 Q And the last entry date was January --

3 A 23rd, 2006.

4 Q And this report was not made, according to
5 you, until February 2 of '06. Is that correct?

6 A Correct.

7 Q Now, if you look at page two of Exhibit
8 Number 14, there was an alleged clinical error --
9 that's number three on page two -- that, on January 23
10 of '06. What information do you have that it was Ms.
11 Lauture that was responsible for that incident?

12 A Ms. Kinch dealt with this. I only have what
13 I have here and that she said it. Her job duty would
14 have been setting up the specimens in January. So I
15 was not directly involved with this one.

16 Q Did you make any attempt to verify any of
17 the allegations in this document number 14, or you
18 just took Ms. Kinch's word for it?

19 A There was no reason to doubt her. I signed
20 the documents as a witness in the meeting.

21 Q So is that your testimony then, Ms. Weiger,

1 that you only signed as a witness at the meeting, not
2 that you have specific knowledge of the errors in this
3 document?

4 MR. NICCOLINI: Objection. Are you asking
5 about personal knowledge of that one incident or
6 anything in the exhibit?

7 MR. SULEMAN: All the alleged errors in this
8 document, Ms. Weiger.

9 THE WITNESS: I heard about them. But the
10 "I's" in here are Ms. Kinch.

11 BY MR. SULEMAN:

12 Q Okay. When you said you heard about them,
13 from whom?

14 A Ms. Kinch.

15 Q Between you and Ms. Kinch, who is the
16 senior employee?

17 A I've been there longer. There's a time
18 the job duties were intertwined. I'm not exactly sure
19 what you mean by senior.

20 Q I know that both of you are a lead tech in
21 the microbiology lab. Right?

1 were the clinical errors for which you had Ms. Lauture
2 suspended for?

3 A The errors from the previous warning plus
4 the additional ones. She was having problems with the
5 PCP and AFB procedures. Her QC, documenting various
6 QC's, corrective action temperatures, possibly
7 mislabeling specimens, processing specimens not
8 according to protocol.

9 Q Anything else? As best as you can recall,
10 was there any other reason or any other job
11 performance issue that led to Ms. Lauture being
12 suspended?

13 A The various different -- it's documented,
14 the different procedures that she didn't follow.

15 Q Okay. So you and Ms. Kinch, you went to
16 talk to the people at HR. Is that correct?

17 A Correct.

18 Q And was it then your recommendation for Ms.
19 Lauture to be suspended?

20 A It was the group's decision.

21 Q But I know it was, or I heard you testify

1 that it was a group decision. But did anybody make
2 the initial recommendation?

3 A I don't remember who it was. I know Ms.
4 Kinch and I went to HR to see how to proceed next.

5 Q Okay. And the issues that you brought to
6 HR, it was you and Ms. Kinch who brought those issues
7 to them?

8 A Correct.

9 Q And sitting here today, do you recall the
10 specific clinical error that led to Ms. Lauture being
11 suspended?

12 A It was the collection of errors.

13 Q A collection of errors. Do you recall the
14 dates that you had this meeting with the HR people?

15 A It was either February 6 or 7. I don't
16 remember the exact date.

17 Q But is it your testimony then that it was
18 the date that you signed this document or before? Was
19 it the day before February 7 or February 7, or when
20 was it that you had this meeting with HR?

21 A I believe it was the 7th.

1 She didn't seem to understand that there was the
2 same -- positive and negative slide was used for both
3 staining techniques because they were both looking for
4 the same organism.

5 Q And it is your position that that cannot
6 be corrected by training?

7 A I don't know. She didn't stay long enough
8 to let us finish training.

9 Q So Ms. Lauture was suspended. Is that
10 correct?

11 A Yes.

12 Q To the best of your recollection, for how
13 many days?

14 A Three days, I believe.

15 Q Okay. And was she paid for that period of
16 time, do you know, for the three days suspension?

17 A I don't think so.

18 Q Okay.

19 A I don't believe so, but I don't --

20 Q Did you have any discussions with Ms.
21 Lauture before she was suspended?

1 A It was the week before she resigned.

2 Q Before Ms. Lauture resigned?

3 A Yes.

4 Q The week before?

5 A During that week. I don't remember if it
6 was Wednesday or Thursday.

7 Q Okay. And who was at this meeting?

8 A Myself, Ms. Kinch, Jo Oliver, Aimee
9 Ringgold, Colleen Meagen. I can't remember if there
10 was another HR person there or not.

11 Q Anybody else?

12 A And then they met with Ms. Lauture first,
13 because they had heard Stephanie's complaint the day
14 before, which we had not heard, to give her a chance
15 to talk. And then they called Stephanie into the
16 room. That's all I can remember being there for sure.

17 Q So do you remember anything that Ms. Rutter
18 said was the base of her complaint?

19 A She didn't like that Geraldine called her a
20 secretary. It's more the same complaints that -- I
21 don't remember the specific complaints in the meeting.

1 least put a time frame on it?

2 BY MR. SULEMAN:

3 Q During the time when Ms. Lauture was still
4 working at St. Agnes, do you know if she made a
5 complaint of discrimination against you to HR?

6 A At that time?

7 Q Yes.

8 A No. I did not.

9 (Whereupon, the document was
0 marked as Weiger Deposition
1 Exhibit Number 21, for
2 identification.)

13 MR. NICCOLINI: I'm sorry. Did you mean to
14 hand me two?

15 MR. SULEMAN: I'm sorry.

16 THE WITNESS: That one, I think you already
17 gave us. I think that was 20.

18 MR. NICCOLINI: Don't worry about it.

19 MR. SULEMAN: That was an extra one. I'm
20 giving you a preview.

21 MR. NICCOLINI: It was hard to see the

1 you and tell you that Ms. Lauture has made a complaint
2 of discrimination against you?

3 A No.

4 Q So when was the first time that you had any
5 idea that Ms. Lauture is alleging that you are
6 discriminating against her?

7 A Well, there was this letter. And then after
8 she resigned, we were contacted by HR that the lawyer
9 wanted to speak to us.

10 Q Okay. So when you say about this letter,
11 you are referring to Deposition Exhibit Number 21?

12 A Yes. Correct.

13 Q And when you received that letter,
14 Deposition Exhibit Number 1 (sic), you understood it
15 to mean that Ms. Lauture is accusing you of
16 discrimination. Is that correct?

17 MR. NICCOLINI: Objection. Do you mean
18 Exhibit 21?

19 MR. SULEMAN: Yeah.

20 MR. NICCOLINI: You said Exhibit 1.

21 BY MR. SULEMAN:

1 Q I'm sorry. Number 21. Do you understand
2 Exhibit Number 21 to indicate that Ms. Lauture was
3 accusing you of discrimination?

4 A And that she felt she had been treated
5 unfairly.

6 0 Okay. Please go ahead.

7 A I did not know of any -- HR never contacts
8 about any specifics until later.

10 A She was no longer working there.

12 (Whereupon, the document was
13 marked as Weiger Deposition
14 Exhibit Number 22, for
15 identification.)

16 BY MR. SULEMAN:

17 Q Now, Exhibit Number 22, Ms. Weiger, do you
18 recognize that document? (Handing document.)

19 A (Perusing document.) Yes.

30 0 What is it?

21 A It's Geraldine Lauture's resignation letter.

1 knowledge -- you've met Ms. Meagen, right?

2 A (Nodding head.)

3 Q Is she black, or is she white?

4 A She's white.

5 Q And to the best of your knowledge, was she
6 born in the U.S.?

7 A I have no knowledge of that.

8 (Whereupon, the document was
9 marked as Weiger Deposition
10 Exhibit Number 23, for
11 identification.)

12 BY MR. SULEMAN:

13 Q Can you take a look at the document marked
14 as Deposition Exhibit Number 23? (Handing document.)
15 Do you recognize that document?

16 A (Perusing document.) Was there a question?

17 Q Oh, I'm sorry. I thought you heard me. I
18 said, do you recognize that document.

19 A I have not seen it before because this is
20 all done electronically. But I do know what it is.

21 Q Okay. What is it?

1 Agnes, was there ever, to the best of your knowledge,
2 any employee from micro lab that resigned, gave St.
3 Agnes two weeks' notice, and that employee was told,
4 no.

5 MR. NICCOLINI: An objection. She did just
6 give you an answer and a specific example to the best
7 of her knowledge, which is exactly what you're asking
8 for, so --

9 BY MR. SULEMAN:

10 Q Apart from -- because it is not clear.
11 You are not sure whether Ms. Ondiek, what happened in
12 that case. So to the best of your knowledge, that's
13 what I'm asking. If you are not sure, don't mention
14 any names, if you are not sure. The question is, to
15 the best of your knowledge, are you aware of any
16 employee who gave two weeks' notice of resignation and
17 was asked to go immediately.

18 A No.

19 Q Thank you. And also to the best of your
20 knowledge, for all the employees who worked at the
21 micro lab, to the best of your knowledge, was there

1 any employee who resigned and was escorted out of the
2 building?

3 A Not that I know of.

4 Q Now, with respect to all the employees
5 under your supervision, Ms. Weiger, I need you to tell
6 me if at any time you had made a recommendation for
7 any of the employees under your supervision to be
8 suspended?

9 A Did I ever recommend?

10 Q Yes.

11 A Personally?

12 Q Uh-huh.

13 A Suspension has to be -- is an action that
14 takes place in conjunction with HR. I have not
15 specifically asked for anybody to be suspended.

16 Q What about to the best of your knowledge?

17 Ms. Kinch, to the best of your knowledge, has she ever
18 asked for any employee to be suspended?

19 MR. NICCOLINI: Objection.

20 MR. SULEMAN: To the best of her knowledge.

21 MR. NICCOLINI: Oh, now to the best of her

1 supervision that you have documented any clinical
2 errors against?

3 A Sally Turner.

4 Q Okay. Who else?

5 A That's the main one that comes to mind.

6 Q And when did you document that clinical
7 error against Ms. Turner?

8 A I don't know specific dates. There were
9 several. She was put on an action plan in August or
10 September 2008.

11 Q Okay. And what was the nature of the
12 clinical error that she made, if you can recall?

13 A I don't remember the specifics, but it was
14 not following the departmental policies.

15 Q And was it you or Ms. Kinch or both of you
16 who documented this clinical error you just talked
17 about?

18 A Both of us.

19 Q Okay. Do you recall specifically what it
20 was about?

21 A Not specifically. There were several.

1 Q And what was the action plan that Ms.
2 Turner was put on?

3 A That she would follow the protocol. And if
4 she had any objections to how the protocol was, she
5 had to present it in writing with references. And we
6 would present it to our medical director.

7 Q Ms. Turner, was she suspended?

8 A Not at that time.

9 Q Was Ms. Turner asked to be retrained?

10 A No.

11 Q Does Ms. Turner still work for St. Agnes?

12 A No.

13 Q When did she stop working for St. Agnes?

14 A She resigned in November 2008.

15 Q And do you know why she resigned?

16 A Because she received a sub-standard
17 evaluation, which resulted in no raise.

18 Q Who did the evaluation?

19 A Ms. Kinch, I, along with input from our
20 supervisors, Rob SanLuis and Jo Oliver.

21 Q Okay. So apart from Ms. Turner, can you

1 A I don't know, specifically.

2 MR. SULEMAN: Okay. I guess I'm almost near
3 the end. So let's go off the record.

4 (Off the record.)

5 MR. SULEMAN: Back on the record. We're
6 almost done.

7 BY MR. SULEMAN:

8 Q Now, apart from Ms. Lauture, to the best of
9 your knowledge, did any other employee at the micro
10 lab ever complain against you for racial
11 discrimination?

12 A Not that I'm aware of.

13 Q Okay. Apart from Ms. Lauture, did any other
14 employees under your supervision ever complain against
15 you in terms of national origin discrimination?

16 A Not that I'm aware of.

17 Q Did you attend any training with St. Agnes
18 with respect to non-discrimination in the work place?

19 A I attended a diversity training program.

20 Q Okay. When was this?

21 A In the spring of 2005.

1 Q And where was it?

2 A It was hosted by the St. Agnes Hospital.

3 And we used base at Cardinal Gibbons High School,
4 across the street.

5 Q Okay. So it was organized by St. Agnes. Is
6 that what you're saying?

7 A Yes.

8 Q So what was the training about?

9 A Dealing with everybody, diversity.

10 Everybody is different for different reasons.

11 Q Okay. Do you have any documentation of that
12 training?

13 A I probably have a certificate in my drawer.

14 Q Okay. So it was a live training?

15 A Yes. It was two days --

16 Q You have to go to that location?

17 A Yes. It was a two day training session.

18 Q Who was there, to the best of your
19 recollection?

20 A I think Sherry Bougandorf (phonetic) was the
21 host. I do not remember the name of the lady they

1 A Not that I can recall. There was a talk
2 that Kerwin did on -- more dealing with sexual
3 harassment, but --

4 Q Who did that?

5 A Kerwin. I think his name is Thompson.

6 MR. NICCOLINI: If you remember.

7 THE WITNESS: Oh. Kerwin, who was the
8 current -- was the diversity manager after Sherry
9 Bougandorf left.

10 BY MR. SULEMAN:

11 Q Okay. And that was on sexual harassment?
12 Is that what you're saying?

13 A That was just like an hour long talk that
14 he gave that mainly dealt with sexual harassment.

15 Q Okay. And where did that take place?

16 A St. Agnes campus.

17 Q Do you recall when this was?

18 A No.

19 Q Do you recall the year?

20 A No.

21 Q Okay. Was it before Ms. Lauture started

1 working at St. Agnes?

2 A No. I believe it was after she left.

3 Q Did you take any on-line training for non-
4 discrimination in the work place?

5 A I know -- not that I remember.

6 Q To the best of your knowledge, is there
7 anything like that?

8 A I think there is one on our training for
9 this year. But I can't testify for sure.

10 Q Okay. So apart from training on non-
11 discrimination, did you attend any supervisory
12 training with St. Agnes?

13 A What kind of training?

14 Q How to train, how to deal with employees.
15 That kind of issues.

16 A There was one course that -- one day course
17 that HR gave -- I do not remember the title or when it
18 was -- on dealing with employee relations. But I
19 cannot remember the details of it without looking at
20 my notes.

21 Q Okay. And what notes are you talking about?